

Notice of Allowability	Application No.	Applicant(s)	
	10/780,591	MIYAZAKI ET AL.	
	Examiner	Art Unit	
	Kabir A. Timory	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/07/2007.
2. ☒ The allowed claim(s) is/are 1,2,4-7 and 9-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/16/2007</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Acknowledgement is made of the amendment received on 6/07/2007.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephonic interview with Steven M. Jensen on August 16, 2007.

The application has been amended as follows:

In claims:

- (1) In claim 1, line 2; change "a signal" to **--the signal--**.
- (2) In claim 1, line 4; change "a front of the signal" to **--a front of the first known signal --**.
- (3) In claim 1, line 6; change "transmit a signal" to **--transmit the signal--**.
- (4) In claim 1, line 7; change "a known signal" to **--a second known signal--**.

- (5) In claim 1, line 10; change "when a signal is transmitted" to **--when the signal is transmitted--**.
- (6) In claim 1, line 12; change "a signal" to **--the transmitted signal--**.
- (7) In claim 1, line 14; change "a transmitted signal" to **--the transmitted signal--**.
- (8) In claim 2, lines 2 and 3; change "a signal" to **--the signal--**.
- (9) In claim 9, line 2; change "a received signal" to **--the received signal--**.
- (10) In claim 9, line 4; change "a signal" to **--the received signal--**.
- (11) In claim 9, line 5 and 6; insert **--the received signal--** between "frame format" and "with the transmitter".
- (12) In claim 10, line 4; change "a received signal" to **--the received signal--**.
- (13) In claim 10, line 5; insert **--received--** between "the" and "signal".
- (14) In claim 11, lines 2 and 3; change "a received signal" to **--the received signal--**.

Allowable Subject Matter

- 3. Claims 1,2, 4-7, and 9-11 are allowed.
- 4. The following is a statement of reasons for allowable subject matter:
The prior art of record, Smee et al. (US Patent Number: 7,082,174) does

Art Unit: 2611

not teach or suggest a quality measuring means that measures the quality of a received signal; a multiplex number deciding means that decides whether or not code division multiplexing is present for a transmitted signal and also decides a number of Walsh multiplex from quality information relating to the quality of the signal; and a format information sharing means that shares information relating to the frame format with the transmitter.

The prior art of record, Smee et al. (US Patent Number: 7,082,174) also does not teach or suggest wherein the selection means selects one of the first receiving means and the second receiving means using control information created in accordance with the decision as to whether or not code division multiplexing is present for the transmitted signal and also the number of Walsh multiplex, and wherein the format information sharing means shares with the transmitter information concerning the frame format that relates to the one of the first transmission means and the second transmission means that is selected.

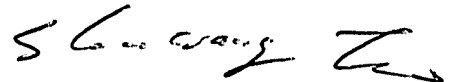
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kabir A. Timory whose telephone number is 571-270-1674. The examiner can normally be reached on 6:30 AM - 3:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kabir A. Timory
August 19, 2007



SHUWANG LIU
SUPERVISORY PATENT EXAMINER